

1 about the FCC licensing procedures.

2 MR. BECKNER: Question: "Did Mr. Nourain indicate
3 to you any kind of confusion or uncertainty about how the
4 process worked?" Answer: "No. He said he understood the
5 process completely; there was no need to go into detail."

6 JUDGE SIPPEL: Is that true? I mean, is Mr. Stern
7 telling the truth in that statement?

8 THE WITNESS: I don't -- I don't remember what we
9 discussed. I'm not denying that he said that. But it's
10 still -- the process to me would be that we said that you
11 have to have a license for -- for turning the system on.
12 And he would have showed me his licenses. He showed me that
13 here are some of the licenses there and some of the paths
14 have already been licensed. That's as far as I would
15 probably say we discussed.

16 JUDGE SIPPEL: Well, but -- but can you -- I mean,
17 he's saying that -- Mr. Stern is saying that you told him
18 that you know the licensing procedure. Now, I'm
19 paraphrasing. But that's the substance of what I get out of
20 this testimony. That's what Mr. Stern was saying. And my
21 question to you is did Mr. Stern have it right? Is that
22 what you did tell him in words to that effect?

23 THE WITNESS: I don't exactly recall --

24 JUDGE SIPPEL: You don't recall.

25 THE WITNESS: -- saying exactly that.

1 JUDGE SIPPEL: That's your answer. Go ahead.

2 MR. BEGLEITER: Your Honor, I'll just make a
3 statement. I don't believe Mr. Nourain's testimony is
4 inconsistent with Mr. Stern's to the extent that Mr. Stern
5 did say that Mr. Nourain said there was no need to go into
6 detail. My -- the impeachment here is whether or not Mr.
7 Stern and Mr. Nourain had discussed the FCC licensing --
8 whether or not he -- whether or not Mr. Stern had told Mr.
9 Nourain about Liberty's licensing.

10 MR. BECKNER: Your Honor, since counsel's elected
11 to make arguing this point which I would object to and move
12 to strike, the only comment that I'll make is that if we had
13 Mr. Stern here in a full hearing, we could clear this up in
14 a second.

15 JUDGE SIPPEL: Well, I mean, you've got his --
16 you've got his testimony. And that testimony goes to the
17 same subject matter that's being testified to here today.
18 Certainly this Witness can -- can give his reaction to Mr.
19 Stern's testimony I mean in his deposition. You know, where
20 it goes from there we can't decide that today. But it's a
21 legitimate question on cross examination.

22 MR. BEGLEITER: I guess my problem is whether it
23 is a legitimate question on cross examination. This is not
24 being used to impeach Mr. Nourain because it's not Mr.
25 Nourain's prior statement. It's someone else's prior

1 statements. And I don't know of any federal rule that
2 permits you to read someone else's prior statement and use
3 that -- use that for impeachment.

4 MR. BECKNER: I'm not impeaching him on it. I was
5 just asking him if it was true or not.

6 JUDGE SIPPEL: He was asked whether it was true or
7 not. I wasn't hearing the answer coming out very clearly,
8 so I asked the question if it was true or not.

9 MR. BEGLEITER: All right.

10 JUDGE SIPPEL: That's all. And this Witness tells
11 me that he doesn't remember. That's his bottom line answer.
12 He doesn't recall. It was back in, what, 1992. Okay? Now,
13 are you finished -- are you going to go back and talk to him
14 some more about this memorandum, Exhibit 2 -- I'm sorry,
15 TW/CV Number 2 or are you finished with that?

16 MR. BECKNER: I think I have one or two more
17 questions on that. But if -- if Your Honor has a question -
18 -

19 JUDGE SIPPEL: No, go ahead. You go ahead.

20 BY MR. BECKNER:

21 Q Mr. Nourain, do you remember whether or not there
22 were any more pages to this memorandum than two? Just
23 looking at --

24 A I don't recall.

25 Q Okay. Do you remember if anything else was

1 discussed at a meeting on April 28, 1992 other than the
2 items listed in those two pages?

3 A I don't recall.

4 Q Okay. Now, after Mr. Stern's contract with
5 Liberty was ended, it was Bruce McKinnon who was overseeing
6 the license process from Liberty, wasn't it?

7 A He was the one signing the applications. So yes.

8 Q And was he not also the one who would expressly
9 give you permission to turn on a new microwave path?

10 A He didn't give me exactly permission to turn on
11 microwave paths.

12 Q Did anybody give you permission after -- between --
13 -- during the time when he was employed at Liberty?

14 A Well, some of the paths during his time was
15 already licensed. So I had --

16 Q No, I understand that. But if you had a new path,
17 did you have to get anybody's permission at Liberty during
18 the time that Bruce McKinnon was employed?

19 A No.

20 JUDGE SIPPEL: This might be an overly fundamental
21 inquiry, but did you ask this Witness or take him through
22 the process of how -- how exactly do you turn a path on?

23 MR. BECKNER: I'll do that.

24 JUDGE SIPPEL: What does that mean? Do you do
25 that from your office? Do you have to go outside the

1 building and call somebody? Do you have to -- what do you
2 have to do?

3 MR. BECKNER: I'll do that, Your Honor. I just
4 want to make this one little point on Mr. McKinnon if I
5 might.

6 JUDGE SIPPEL: Go right ahead. No, go right
7 ahead. Just before you leave this.

8 MR. BECKNER: And it will take me a second to --

9 MR. BEGLEITER: We'll have a standing objection to
10 the reading from any deposition not in evidence.

11 JUDGE SIPPEL: I'll note the objection. But I
12 think for the purpose for which a review is appropriate in
13 this proceeding.

14 MR. BECKNER: I withdraw the question. Mr.
15 McKinnon's testimony is unclear.

16 BY MR. BECKNER:

17 Q Now, let's go ahead and pursue the inquiry that
18 the Judge suggested, Mr. Nourain. When you have an
19 operating microwave transmitter, that consists of a box of
20 electronics and an antenna that's outside basically. Isn't
21 that correct? The transmitter is a machine that's connected
22 to a antenna?

23 A The transmitter is a machine that's connected to
24 the antenna?

25 Q Yes.

1 A I don't understand.

2 Q Well, first off, tell us how big a microwave
3 transmitter is. Is it -- I mean, could I carry one in my
4 arms?

5 A The microwave transmitter that we're using is an
6 outdoor type transmitter, is a -- to answer your question is
7 a portable.

8 Q But how big is it?

9 A I don't know the exact measurements. It could be
10 22 inches by 15 inches. So small.

11 Q And it's connected to an antenna, is it not?

12 A No, it's connected to the wave guide.

13 Q Okay. And then what's the wave guide connected
14 to?

15 A To the antenna.

16 Q Okay. Now, once you have a transmitter that's
17 operating -- and let's just -- for illustration purposes,
18 let's imagine that -- that this microphone that's right more
19 or less in front of me is a transmitter.

20 A Yes.

21 Q And let's say it's -- right now it's operating in
22 its operating feeding a path to the microphone that's in
23 front of the Judge there.

24 A Yes.

25 Q And then you want to feed another path with this

1 transmitter in the direction of the microphone that's in
2 front of you.

3 A Yes.

4 Q Aside from the licensing activity, what do you
5 have to do to that transmitter to feed that second path.
6 Tell us what you have to do.

7 A There's a device called splitters. We just split
8 the transmitter so the transmitter is connected to the
9 certain box which would probably house those splitter
10 networks. And then it would be split. And then we would
11 duplicate what the first one -- first cable was going to the
12 antenna from the other port of that splitter to run to
13 another antenna to come to my microphone.

14 Q So -- so in effect what happens is every time you
15 have a new path, you have a new antenna?

16 A Yes. This is a point-to-point system. You have
17 to have an antenna to transmit a -- an antenna to receiver
18 to locate each other, that's correct.

19 Q Okay. And that -- and then there is a -- there is
20 a -- you mentioned in the previous answer something called a
21 wave guide. Where does that fit in this picture?

22 A The wave guide is nothing but a cable. But when
23 you get -- technically you get over one gigahertz, those
24 coaxial cables will transform themselves to the wave guide
25 which transmits the signal. Since the antenna is on top of

1 the roof and the transmitter itself could be on the bottom
2 of the bulkhead, the signal has to somehow get from one
3 location to the other. And those are the wave guides who
4 will carry that signal without degradation of energy. And
5 those are called wave guides.

6 Q Now, the device that you described that you called
7 -- said was a splitter, does the wave guide feed the
8 splitter and the splitter feeds the antenna? Is that how it
9 works?

10 A That's correct. The wave guide could be right in
11 the middle between the antenna, wave guide, splitter, wave
12 guide, antenna.

13 Q So you'd have two wave guides for each -- one
14 going from the transmitter to the splitter and another one
15 going from the splitter to the antenna.

16 A Yes.

17 Q Okay. So in order -- in other words, to -- to
18 activate a new path, you -- someone has to physically put up
19 another antenna at the transmitter site and connect that
20 antenna to the splitter box which is connected to the
21 transmitter, is that right?

22 A That's correct.

23 Q And does something have to be done to the splitter
24 itself in modification or -- or is it replaced with the new
25 one or something like that?

1 A No. The splitter stays there. If you have to --
2 when you get -- now you're talking about a third path. So
3 you have to add another splitter which is cascaded with this
4 one to open up another port. It's just a matter of opening
5 ports which is all coming -- or starting from one
6 transmitter. Just look at it as a start type -- typology.
7 You've got one central and everything is going to be coming
8 out of that. So if you have 20 locations you have to
9 transmit to, you will have 20 antennas, 20 wave guides all
10 coming into the splitters. You've got 20 splitters inside
11 that box and all connected to the transmitter.

12 Q So when we've been talking now about the flipping
13 the switch to turn on the transmitter, what we really should
14 have been saying was screwing in a connector to connect a
15 new antenna to -- to a splitter box. In other words, that's
16 what happens when you add a path.

17 A Well, it's not trying to connect. The transmitter
18 is always on.

19 Q Right.

20 A The path that you try to activate is the receive
21 site. So you do all of these. That's only part of it that
22 you talk about. When there is a new path licensed or
23 authorized to be on, you do this procedure. And then at the
24 antenna on the transmitter, the energy is there. Now comes
25 the second part that you have to go there and build the same

1 thing and a stand-alone receiver as well. And then face
2 these two and what you call align it. And then at that
3 point, the signal is on the receive side. And then at that
4 point, you will have that path.

5 JUDGE SIPPEL: So all that has to be done for
6 every path that you turn on?

7 THE WITNESS: That is correct, sir.

8 JUDGE SIPPEL: And who -- you're the only
9 engineer. Who -- who actually physically does this?

10 THE WITNESS: I have a contractor which will build
11 the construction of the antenna. Those are the tower
12 workers who fabricate the mount and put the antenna up.
13 They just physically go there and put it up. They are some
14 kind of a tower worker and contractors who do that. They do
15 the physical work.

16 JUDGE SIPPEL: Do you have several of these or do
17 you have one that goes --

18 THE WITNESS: Well, we're working with one that
19 we've been happy with.

20 JUDGE SIPPEL: Who is that?

21 THE WITNESS: That's a National Microwave
22 contractor. The other one is actually -- after I give him
23 the drawings, just build those according to the drawings
24 that's provided to them.

25 JUDGE SIPPEL: All right. But based on the

1 scenario that you talked about with me before, you have this
2 time line that you're working on. And you look at your
3 calendar and see the date and say everything should be -- I
4 should have the approval now or the authorization from the
5 FCC according to my calendar and my estimation. Is it at
6 that point that you pick up the phone and call National
7 Microwave?

8 THE WITNESS: No, sir. When I get that, at that
9 point, the next step would be have a structural engineer
10 which has to design the antennas for the receiver and
11 transmitter. And he comes into the picture. He does his
12 design. And he provides his drawing. And after that, there
13 is some kind of elapsed time which goes to the building to
14 approve his drawing.

15 And after all those are approved, then the
16 contractor that I mentioned to you will get the drawing and
17 will fabricate the mount for that particular antenna. And
18 then when we get close to the time that there are a number
19 of buildings -- when we get close to the time that the
20 building needs to be activated, then he goes there and
21 builds it. And we have -- since I'm an engineer, I have --
22 I know exactly what kind of a reception is calculate that
23 what do we need at the receive site.

24 Then the alignment will take place. And we go
25 there with the test equipment with that particular

1 contractor because most of these buildings -- antennas are
2 on the top of the buildings or in dangerous areas. So they
3 will -- they would move the antennas to make sure we get the
4 right energy. And at that point, that system would work.

5 JUDGE SIPPEL: And who does the design work?

6 THE WITNESS: I will do the design work.

7 JUDGE SIPPEL: You do the design?

8 THE WITNESS: That's correct. I'm sorry. What
9 design do you mean, sir?

10 JUDGE SIPPEL: Well, the design that you just
11 testified to.

12 THE WITNESS: Oh, I design the technical part of
13 the system.

14 JUDGE SIPPEL: Yes.

15 THE WITNESS: By design I meant there's a design
16 of the antenna mount --

17 JUDGE SIPPEL: That's right.

18 THE WITNESS: -- which is a structural design.
19 That's another structural engineer. The civil engineer does
20 that part.

21 JUDGE SIPPEL: And who is that --

22 THE WITNESS: It's a firm called Rosenwasser &
23 Grossman.

24 JUDGE SIPPEL: Rosenwasser & Grossman?

25 THE WITNESS: Yes, in New York.

1 JUDGE SIPPEL: And they are -- what do you call
2 them?

3 THE WITNESS: They are structural engineers.

4 JUDGE SIPPEL: Structural engineers. So in order
5 to activate a path -- again, I want to go back to this
6 scenario. You calculate that you've got the authorization.
7 What's the first thing that you do?

8 THE WITNESS: After I finish -- finish that part
9 of it?

10 JUDGE SIPPEL: Let me ask the question again. You
11 are acting under the assumption that you have authorization
12 to go forward to activate a path.

13 THE WITNESS: That's correct.

14 JUDGE SIPPEL: And I know that there's two
15 companies at least who are involved in what you are going to
16 do next. One is -- what is it -- Rosenwasser & Grossman?

17 THE WITNESS: Yes.

18 JUDGE SIPPEL: And the other is National
19 Microwave. Now, what do you do? Just briefly, just tell me
20 what you do.

21 THE WITNESS: Okay. What I do, I design the
22 actual engineering of the system. There's a network there.
23 I do the engineering of the microwave system. I'm a
24 microwave engineer --

25 JUDGE SIPPEL: I understand that part.

1 THE WITNESS: -- to make sure that the signal goes
2 into that building is a proper signal and it's got -- it's
3 got enough energy to be transmitted, I do all the path
4 calculations; I get all the data; I'll design the system
5 based on the network that we have to make sure we are not
6 interfering -- interfering with someone else.

7 JUDGE SIPPEL: You already testified to that.

8 THE WITNESS: Yes.

9 JUDGE SIPPEL: I'm saying that after -- you now
10 have reached the decision where you're going to activate.
11 You make that -- you were making that decision alone, right,
12 back in 1995 or --

13 THE WITNESS: That's correct.

14 JUDGE SIPPEL: -- or early 1995. All right.
15 You've made -- in this hypothetical that I'm working with
16 you on, you've made that decision.

17 THE WITNESS: Yes.

18 JUDGE SIPPEL: And I'm saying now who do you
19 contact?

20 THE WITNESS: Oh, yes. The contact for this would
21 be done after we get the contract signed. During all of
22 this time that the licensing process would go, we would
23 proceed in parallel with getting the design of the
24 structural engineer to get this design. The only time that
25 the contractor will come in is that we are ready and we've

1 got approval from the building to proceed. That could be
2 about possible two months after my -- my engineering is
3 completed. That could be three months. That could be maybe
4 one month.

5 JUDGE SIPPEL: Is -- but does that happen after
6 you've gotten the approval from the FCC?

7 THE WITNESS: I -- I would not -- that would
8 happen after the time that I was under the assumption that
9 all of these licenses would be done.

10 JUDGE SIPPEL: Right. So before you have the
11 building approval, how much time would expire, let's say,
12 from the time you thought you had the FCC approval to the
13 time that you had the building's approval? I mean, I know
14 every case is different, but --

15 THE WITNESS: It could be two months. It could be
16 three months. Sometimes we get the license and sometimes it
17 would be one month. You see, generally I would put about
18 close to -- on a general basis, close to 60 days -- 60 days
19 to make sure that when I started to do my analysis --
20 engineering analysis. And we get the process moving. I
21 would generally put that much time for myself. And -- but I
22 would never start that.

23 The starting of that was dictated by the way
24 that -- or according to when we were going to activate the
25 building which means that all the authorization approvals of

1 the building would be submitted. It could have been two
2 months. It could have been three months. It could have
3 been one month. There were times that, for example, if a
4 marketing issue in the middle of the -- all of these works,
5 that would stop the project.

6 If building would say I don't want anything being
7 started until I clear it, so that could have probably
8 postponed it another month. I would not start the building
9 unless I was sure that -- starting construction of the
10 building unless I was sure that a contract has been --
11 marketing issues has been resolved and they told me that we
12 can go ahead.

13 JUDGE SIPPEL: So in this kind of situation with
14 this kind of a scenario, you could be operating for two to
15 three months after you assumed that you had the
16 authorization without ever verifying whether or not you
17 actually had the authorization.

18 THE WITNESS: I would have been -- would I be
19 operating two or three months before?

20 JUDGE SIPPEL: You would be doing all of these
21 things --

22 THE WITNESS: Yes.

23 JUDGE SIPPEL: -- for two or three months --

24 THE WITNESS: -- months before I even activated
25 the building.

1 JUDGE SIPPEL: In other words -- that's right,
2 before there was actually a signal that was transmitted to
3 that building.

4 THE WITNESS: Exactly. And in addition to that,
5 it was the case here that -- even that since I have a number
6 of projects to do, I could have just to keep my timing and I
7 knew that these were supposed to be done and I was in the
8 middle of it, I would activate just do the engineer -- get
9 everything ready for activation, align the system, then turn
10 it off because sometimes the internal distribution within
11 that building wasn't -- wasn't ready. And --

12 JUDGE SIPPEL: All right. Just assume -- I'm
13 sorry to interrupt on that, but just assuming that you
14 didn't have that kind of a problem, that there wasn't any --
15 you know, that you didn't have to turn it off and re-do it.
16 But assuming that everything was going along according to
17 mechanically the way you expected it to be, what would be
18 the approximate costs from the time that you assumed you had
19 the authorization to the time that you were actually able to
20 send the signal?

21 THE WITNESS: Cost?

22 JUDGE SIPPEL: Cost.

23 THE WITNESS: Cost of -- I mean, the actual --

24 JUDGE SIPPEL: Yes. How much do you have to pay
25 these people like National Microwave --

1 THE WITNESS: Oh, yes.

2 JUDGE SIPPEL: -- and Rosenwasser and all these
3 other people who might be involved?

4 THE WITNESS: Generally I had a cost of
5 \$30,000.00.

6 JUDGE SIPPEL: \$30,000.00 for one path?

7 THE WITNESS: For one path, yes. That's the one
8 that we have put into -- let's say into the book. They ask
9 me how much is it going to cost to activate a path. That's
10 including the cost of the licensing, the cost of the
11 engineering, the cost of the material.

12 JUDGE SIPPEL: Well, how about just the cost from
13 the time -- as I say, from the time that you believe that
14 you had the authorization up until the time that you were
15 actually transmitting signals assuming that you didn't have
16 any inordinate problems.

17 THE WITNESS: Yes. Except the cost of the
18 engineering and the authorization, it would be about -- I
19 would probably subtract \$2,000.00 or \$3,000.00 of it. The
20 rest would be the construction, and also the material as
21 well.

22 JUDGE SIPPEL: So you're talking something,
23 \$20,000.00 or \$25,000.00.

24 THE WITNESS: Including the equipment.

25 JUDGE SIPPEL: Now, how many -- how many hours a

1 day did you work during this period of time, '94 to '95?

2 THE WITNESS: I -- since I joined the company, I
3 would have worked over 50, 55, 60 hours a week because
4 overall, I didn't have anybody else to help me. I was by
5 myself. So long hours.

6 JUDGE SIPPEL: Are you still in that situation?
7 Are you still --

8 THE WITNESS: I'm still in that situation. I have
9 a technician -- I have two or three technicians to just do
10 the routine. But I am basically a one man crew.

11 JUDGE SIPPEL: Okay. And the difference now is
12 that you can't do -- you can't incur these next steps with
13 Rosenwasser -- was it Rosenwasser or the National Microwave.
14 You can't do that now until -- until you get authorization
15 from Mr. -- until you're -- from your general counsel, is
16 that right?

17 THE WITNESS: No, the only one I won't do is the
18 National Microwave because now that I have authorization, I
19 tell them to go there and build it. And, again, even
20 they're building it, I could have them to go do that part,
21 as well. The only authorization I need is to turn the
22 system on.

23 JUDGE SIPPEL: Yes, but at what stage -- at what --
24 - how much can -- how much cost can you incur of this
25 \$25,000.00 before you get the authorization from your

1 general counsel?

2 THE WITNESS: I would probably incur about --
3 that's what I mentioned, \$25,000.00. The only thing I don't
4 incur is the cost that the contractor needs to go up and
5 construct.

6 JUDGE SIPPEL: So that would be the last phase of
7 this?

8 THE WITNESS: That's the last phase.

9 JUDGE SIPPEL: You would have to get from your
10 general counsel the authorization before you could do that
11 last phase.

12 THE WITNESS: That's correct because we like to be
13 --

14 JUDGE SIPPEL: Everything else you could do.

15 THE WITNESS: You could do, yes.

16 JUDGE SIPPEL: You can under the new policy?

17 THE WITNESS: No, I could do that all the time,
18 sir, because out of this \$25,000.00, when the contract was
19 signed, I could have spent \$14,000.00 on material.

20 JUDGE SIPPEL: All right. I didn't mean to take
21 it quite that far, but I appreciate that. That's a very key
22 ended description. Now, I -- getting back to this -- to
23 this standing objection we do have, you know, this is a
24 hearing that we're having on -- on -- on reliability, the
25 candor of the evidence that you're submitting in support of

1 your motion for summary decision.

2 And what you say on page 13 of that motion is that
3 Nourain -- this is at the time that Mr. Nourain was meeting
4 with Mr. Stern. Mr. Nourain at that time stated he was
5 fully familiar with Commission licensing procedures and that
6 Stern did not need to go into detail.

7 MR. BEGLEITER: Yes.

8 JUDGE SIPPEL: Well, and that's what he was asked
9 and answered on this one, too.

10 MR. BEGLEITER: Like I said, Your Honor, I don't
11 think it's inconsistent what Mr. Nourain --

12 JUDGE SIPPEL: Well, no, I'm talking about the
13 propriety of asking the question.

14 MR. BEGLEITER: Well, it's --

15 JUDGE SIPPEL: The answer will speak for itself.
16 What I'm saying is that, you know, this is -- what -- I'm
17 trying to focus back on why we're here today. We're here
18 today because this is only one aspect of a motion for
19 summary decision.

20 MR. BEGLEITER: I understand, Your Honor.

21 JUDGE SIPPEL: Okay. Mr. Beckner, I'm sorry to
22 have taken this much time. Go ahead.

23 BY MR. BECKNER:

24 Q I want to just go back a second to -- I think you
25 testified that when Bruce McKinnon was working for the

1 company -- well, let me just ask it. When Bruce McKinnon
2 was working for the company, did you have to get permission
3 from anyone at Liberty to activate a new path or was that a
4 decision that you could make by yourself?

5 A No, I wouldn't automatically go and turn on the
6 path. It was a marketing -- it was a marketing procedure
7 that you had to go through. We had a building to be
8 contracted and I wouldn't just turn the system on just for
9 my own self. I just said -- whatever I mentioned is that
10 you have to go through procedure. There is the procedure
11 that the marketing signs the contract.

12 And then on the contract, they say that they have
13 to turn the system on -- I mean they have to provide service
14 to certain buildings. We have a -- routinely weekly
15 meetings on that. And we go over the projects. Turning on
16 the system was only maybe a fraction of the whole total
17 project. There were other people that were involved. So I
18 turned the system when we had a schedule of having four or
19 five buildings at certain times to turn on within a month.

20 We average four buildings -- three or four
21 buildings a month. We go on or maybe two buildings a month.
22 So I do not -- to answer your question, I do not just go
23 there and activate. It wasn't my job to just activate the
24 system. I said when it was the proper time to activate the
25 system, I will activate it. That's when --

1 Q Well, at these weekly meetings, are you talking
2 about a weekly meeting between yourself and Tony Ontiveros?

3 A No, I'm talking about -- you're talking about
4 during the time that Mr. McKinnon was there.

5 Q Okay.

6 A At that point, there was a meeting with him, as
7 well. We had a staff meeting every week which would go over
8 the projects and look at the time line and what we need to
9 do.

10 Q Okay. And during that time, did you tell Mr.
11 McKinnon or did someone in that meeting tell you, okay,
12 Behrooz, next week we're ready to turn on this path? Is
13 that the way it happened?

14 A We did not -- never knew that within a week in
15 advance that we had to turn the path on. We had -- the time
16 line was about a month, a month and a half, two months
17 before we knew that there was a time for a certain path to
18 go on. So the meeting wasn't just for a portion of it for
19 when to turn the path on. The meeting was basically saying
20 that when the -- how the other team would progress.

21 If that was during that time, the report that he
22 had or the discussion would be that, okay, we need to
23 activate that path for a certain time. And then I would
24 look at -- and I should -- and I would be prepared at that
25 time to see that I had the license, which at that time we

1 had a lot of licenses because the path was all coordinated
2 and studies by -- previously, or it was the new one by the
3 time we were going to turn that path on.

4 We had enough lapsed time that we will be -- maybe
5 we will be ready to turn the path on. We had the system
6 designed for two months or -- I mean, long before that.

7 Q Well, but let's -- to illustrate your testimony,
8 let's just imagine a hypothetical meeting that, say, is
9 taking place today, June 13 -- I mean, January 13th.

10 A Yes.

11 Q And your schedule has that a particular building
12 has been contracted for and the schedule calls for service
13 to begin to that building on March 13th, two months in
14 advance. So you're preparing -- doing all the preparation
15 that's necessary to provide that service on March 13, right?
16 That's -- that's what you would be doing.

17 A Well, with the exception of some of these -- some
18 of my work could have started prior to even the building
19 being contracted. If it was projected to expedite the
20 matter, we would have probably done it sometime much
21 earlier.

22 Q Okay.

23 A But generally, yes, that's the way everything
24 works.

25 Q Okay. And now the thing that I want to know is is

1 that in the meeting that was held -- that would be held
2 right before March 13, whatever date that was whether it's
3 March 10th or March 8th, would you or anyone else say at
4 that meeting, okay, we're ready to go on this building and
5 we're going to turn it on on March 13 as the schedule calls
6 for?

7 A I wouldn't recall that I would say that.

8 Q So there wouldn't be anything that would be
9 discussed -- the fact that the building was -- the path was
10 actually going to be turned on?

11 A Yes, well, we discussed that I have to complete my
12 -- would build the system. But the turning on the path --
13 see, you're making it simplified. The path should turn on,
14 but the meetings were concerned over when the customer would
15 be activated. By me turning the path on, it doesn't mean
16 that the person in this room is going to have a TV. The
17 distribution has to be completed. All the wiring has to be
18 done.

19 So by saying that I would go there and activate
20 that, it doesn't mean that that building would have been
21 activated. I could have -- as I mentioned, I could have
22 gone there and just do all the work and just get ready one
23 day before the system be on. And we would have -- then I
24 would go in there and activate that. Then I would get all
25 the power and everything which most of the power for that